

From: "borison@legglaw.com" <borison@legglaw.com>
Date: December 21, 2018 at 7:13:58 PM EST
To: "Sullivan, Michael" <Michael.Sullivan@wbd-us.com>
Cc: Daniel Manna <manna@gwmlaw.com>, "franke@gasswebermullins.com" <franke@gasswebermullins.com>, Bradley Foley <bradley.foley@gebosc.com>, "Robert J. Welcenbach" <robert@welcenbachlaw.com>, "J. Craig Jones" <craig@joneshilllaw.com>
Subject: Re: Rave Documents that have not been produced

Dear Mike:

Attached are the objections to your designation of documents 664-9902 as confidential. I will provide our objections to the remaining recent production that also were provided with a blanket designation of confidential soon.

Scott

On Dec 21, 2018, at 12:01 PM, Sullivan, Michael <Michael.Sullivan@wbd-us.com> wrote:

Scott:

Thank you for your email. At this time we are treating the documents marked Confidential in *Moya* as Confidential in *Rave*. If you feel any documents should not be marked confidential please let us know which documents and we will reconsider the designation on the specific document. As you know the Rave Protective Order (Paragraph 15) contemplates just such a procedure.

We are still coordinating deposition dates and will attempt to schedule them in coordination with the parties in both cases to make them as efficient as possible.

Best regards
Michael

Michael Sullivan
Partner
Womble Bond Dickinson (US) LLP

d: [404-879-2438](tel:404-879-2438)
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e: Michael.Sullivan@wbd-us.com

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[!\[\]\(6059a5aa8b4ca7bb793408023d6c6e42_img.jpg\)](#) [!\[\]\(d293b9aef7d8767760396289fbc64e8a_img.jpg\)](#) [!\[\]\(17b8ec23ac3db44f57c5269d03d8ed28_img.jpg\)](#)

From: borison@legglaw.com [<mailto:borison@legglaw.com>]

Sent: Friday, December 21, 2018 12:19 PM

To: Sullivan, Michael

Cc: Sullivan, Michael; Daniel Manna; franke@gasswebermullins.com; Bradley Foley; Robert J. Welcenbach; J. Craig Jones

Subject: Re: Rave Documents that have not been produced

Counsel:

I am following up on this for Mr Jones while he is on the road. In addition to the sharing agreement, we also need to know if you are contending these documents, that are now also available in the Rave case, are being claimed confidential by your client under the protective order in Rave. We need to know your position so we can proceed accordingly.

Also we need to set dates for depositions in this case (and the Moya case). We have asked for the depositions of the following:

Michael Wickman
Dixie Randle

WHA President - Eric Borgering

We are trying to accommodate CSM and will get back to see what we can do on that deposition.

Scott

On Dec 21, 2018, at 3:04 AM, J. Craig Jones <craig@joneshilllaw.com> wrote:

Mr. Sullivan:

Thank you for the email below. Please give us your client's response to the use of Mr. Borison's Proposed Sharing Agreement no later than noon, December 28, 2018. If we do not have a favorable response by that deadline, we will be left with no other choice but to file formal motions with the Courts.

Regards,

J. Craig Jones

On Dec 20, 2018, at 3:00 PM, Sullivan, Michael
<michael.sullivan@wbd-us.com> wrote:

Scott

Good afternoon. As I mentioned yesterday we have had a chance to reconsider and agree it makes sense to use the documents in both cases under some form of sharing agreement.. We need to review the form of agreement you proposed with our clients and in light of the holiday that cannot be done before the hearing next week. But this email will confirm that we agree on the use of the documents in both cases and will work to finalize a formal sharing agreement as soon as possible.

Best regards

Michael

Michael Sullivan

Partner

Womble Bond Dickinson (US) LLP

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271 17th Street, NW

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[<image564d8d.PNG>](#) [<imagecca8f1.PNG>](#) [<imageac](#)

From: Legglaw [<mailto:borison@legglaw.com>]
Sent: Wednesday, December 19, 2018 4:07 PM
To: Sullivan, Michael
Cc: Kritzer, Nathaniel J.; Daniel Manna; franke@gasswebermullins.com;
Bradley Foley; Robert J. Welcenbach; J. Craig Jones
Subject: Re: Rave Documents that have not been produced

Mike

Thanks for the response as to the sharing agreement issue but the other issue needs to be addressed. Your client has documents that they have not produced in this case. They should have been produced. Please let us know immediately whether you intend to produce them in this case. If not we will file an appropriate motion to obtain your client's compliance with its discovery obligations.

Scott

Scott C. Borison. This email may contain confidential information.
If you have received it in error you should delete it.
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Borison@legglaw.com
301-620-1016
Fax (301) 620-1018

On Dec 19, 2018, at 10:40 AM, Sullivan, Michael
<Michael.Sullivan@wbd-us.com> wrote:

Scott
Thank you for your email. We will review the sharing agreement proposal with our client again and get back to you on whether we have reconsidered whether entering into this agreement is appropriate.
Best
Michael

Michael Sullivan
Partner
Womble Bond Dickinson (US) LLP

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[<image367c8e.PNG>](#) [<image9a03ca.PNG>](#) [<imagea888b2.PNG>](#)

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From: borison@legglaw.com [<mailto:borison@legglaw.com>]

Sent: Wednesday, December 19, 2018 12:33 PM

To: Kritzer, Nathaniel J.

Cc: Daniel Manna; Sullivan, Michael; franke@gasswebermullins.com; Bradley Foley; Robert J. Welcenbach; J. Craig Jones

Subject: Re: Rave Documents that have not been produced

Dear Counsel:

I am including Mr. Kritzer in this e mail since he responded to my email concerning the deposition of Ciox in this case. Can you confirm whether he is counsel in this case and should be included in the future.

As you know there have been numerous documents produced in the Moya case that are also responsive to the requests made in the Rave case and should have been provided with the initial disclosures. We asked you to agree to a sharing agreement to avoid these types of issues but you refused the proposed agreement. I ask you to reconsider that decision.

Please provide all of the documents that you produced in the Moya case in this case. I would also caution that the blanket designation approach used in Moya should not be repeated in this case. This is a good faith effort to resolve a discovery issue.

Scott Borison

On Dec 19, 2018, at 5:36 AM, Kritzer, Nathaniel J.
<nathaniel.kritzer@kirkland.com> wrote:

Scott,

Tarun Kabaria will be Ciox's corporate representative. Please choose one of the dates that we have previously communicated he will be available, i.e., January 18, 23 or 24, 2018 in Atlanta.

Regards,

Nate

Nathaniel J. Kritzer

KIRKLAND & ELLIS LLP
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nathaniel.kritzer@kirkland.com

From: borison@legglaw.com <borison@legglaw.com>
Sent: Tuesday, December 18, 2018 11:37 AM
To: Daniel Manna <manna@gwmlaw.com>; Sullivan, Michael <Michael.Sullivan@wbd-us.com>; franke@gasswebermullins.com; Bradley Foley <bradley.foley@gebsc.com>
Cc: Robert J. Welcenbach <robert@welcenbachlaw.com>; Kritzer, Nathaniel J. <nathaniel.kritzer@kirkland.com>
Subject: Fwd: Deposition Notices

Gentlemen:

I am sorry the date for CSM is 1/10/19 and I am forwarding the attached amended notice that corrects the date.

Begin forwarded message:

From: borison@legglaw.com
Subject: Deposition Notices

Date: December 18, 2018 at 8:34:07

AM PST

To: Daniel Manna

<manna@gwmlaw.com>, Bradley
Foley <bradley.foley@gebosc.com>,
John Franke

<franke@gwmlaw.com>, Michael
Sullivan <Michael.Sullivan@wbd-us.com>

Cc: "Robert J. Welcenbach"

<robert@welcenbachlaw.com>, "J.
Craig Jones"
<craig@joneshilllaw.com>

We have patiently sought dates from
you for the depositions of your
clients. Despite statements that dates
will be provided it is now nearly a
month since the request was made
and given the discovery deadlines,
Plaintiff has to move forward.
Attached are the notices of
deposition for each of your client.
Ciox is set for 1/11 and CSM for
1/12.

Scott

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J. Craig Jones

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